REMARKS

Applicants and Applicants' attorney express appreciation to the Examiner for the courtesies extended during the recent Interview held on August 23, 2004. The claim amendments and arguments presented in this paper are consistent with the claim amendments proposed and arguments discuss during the Interview.

Claims 1 and 2-32 are pending, of which claims 1 and 18 are independent method claims and claims 25 and 29 are independent system claims. As indicated above, claims 1, 11, 18, 21, 25, 29, 30, and 32 have been amended by this paper and claim 2 has been canceled without prejudice.[1]

Applicants note for the record that the subject matter of claim 2 has been incorporated into independent claim 1 and that the amendments to dependent claims 11, 21, 30, and 32 were made so that these amended dependent claims use claim terminology that is consistent with their corresponding independent claim. Therefore, the cancellation of claim 2 and amendments to claims 11, 21, 30, and 32 do not evince an intent to surrender any subject matter.

The Office Action rejected claim 32 under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which application regards as the invention because there is insufficient antecedent basis for claim 32 to recite "A conditional access device in accordance with claim 30" where claim 30 is directed to a computer system. As indicated above, by this paper claim 32 has been amended to recite "A computer system in accordance with claim 30" so that the preamble of claim 32 has proper antecedent basis. Applicants respectfully submit, therefore, that the rejection of claim 32 under 35 U.S.C. § 112, second paragraph, has been overcome and should be withdrawn.

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[1] Support for the claim amendments can be found throughout the Specification, and particularly at page 13, lines 3-6, page 15, lines 20-21; and Figure 2.

The Office Action rejected independent claims 1 and 18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,026,293 to Osborn ("*Osborn*"); rejected independent claims 25 and 29 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,141,530 to Rabowsky ("*Rabowsky*") in view of *Osborn*; and rejected the remaining dependent claims under 35 U.S.C. § 103(a) as either unpatentable over *Osborn* or unpatentable over *Osborn* in view of *Rabowsky*.[2]

Applicants' invention, as claimed for example in independent method claim 1 relates to detecting tampering of a computer system. The method includes booting up the computer system, monitoring a signal sequence that occurs on the computer system bus during the booting up of the computer system, calculating a boot signature that is a function of the monitored signal sequence, comparing the calculated boot signature to an expected boot signature that represents no tampering to the computer system, and determining that tampering has not occurred if the calculated boot signature is the same as the expected boot signature.

Applicants' invention, as claimed for example in independent method claim 18, similarly relates to detecting tampering of a computer system. The method includes booting up the computer system, producing a boot signature that is a function of a signal sequence experienced on the computer system bus during the booting, and determining whether the calculated boot signature is indicative of the computer system being tampered with.

Applicants' invention, as claimed for example in independent system claim 25, relates to a computer system capable of receiving presentable content. The computer system includes a processing device, a memory device, a bus coupled to the processing device and the memory

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[2]Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to do so in the future. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status or asserted teachings of the cited art.

device, a decrypter configured to decrypt encrypted content when activated, and a boot signature

checker, separate from the processing device, that is coupled to the bus so as to be able to read a

signal sequence asserted on the local bus during booting of the computer system, wherein the

boot signature checker is configured to calculate a boot signature that is a function of the signal

sequence asserted on the local bus.

Likewise, Applicants' invention, as claimed for example in independent system claim 29,

also relates to a computer system capable of receiving presentable content. The computer system

includes a processing device, a memory device, a bus coupled to the processing device and the

memory device, a decrypter configured to decrypt encrypted content when activated, and means

for calculating a boot signature, separate from the processing device, that is a function of the

signal sequence experienced on the computer system bus during booting up of the computer

system.

In order to establish a *prima facie* case of obviousness, "the prior art reference (or

references when combined) must teach or suggest all the claim limitations." MPEP § 2143

(emphasis added). During examination, the pending claims are given their broadest reasonable

interpretation, i.e., they are interpreted as broadly as their terms reasonably allow, consistent with

the specification. MPEP §§ 2111 & 2111.01.

Osborn discloses the prevention of cellular telephone memory tampering. Col. 6, ll.

24-30. After the cellular telephone is turned on, boot code within the IROM is executed by the

microprocessor to initialize the telephone controller. Col. 8, ll. 21-24. Hash code contained in

the IROM is then run to perform an audit hash value calculation over selected contents of the

flash program memory and the ESN value stored in the EEPROM. Col. 8, ll. 24-28. There is

nothing in *Osborn* to indicate that *Osborn* calculates or produces a boot signature that is a

function of a signal sequence experienced on the computer system bus during booting. This distinction is significant because among other things, *Osborn's* cellular telephone memory tampering solution fails to show how the boot code or hash code could be protected.

Rabowsky discloses a complete end-to-end integrated delivery/display system for secure digital electronic cinema for studio distribution/exhibition and ancillary markets. Col. 1, ll. 48-51; Figures 1 & 2. The Office Action itself concedes that *Rabowsky* does not teach a boot signature checker that is coupled to a bus so as to be able to read a signal sequence asserted on the bus during booting, wherein the boot signature checker is configured to calculate a boot signature that is a function of the signal sequence asserted on the bus. *See* Office Action, p. 11 (rejection of claim 25). The Office Action also concedes that *Rabowsky* does not teach means for calculating a boot signature, separate from the processing device, that is a function of the signal sequence experienced on the computer system bus during booting up of the computer system. *See* Office Action, p. 13 (rejection of claim 29).

Accordingly, *Osborn* and *Rabowsky* fails to teach or suggest every aspect of the Applicants' claimed invention, and therefore the rejection of independent claims 1, 18, 25, and 29 under 35 U.S.C. § 103(a) has been overcome and should be withdrawn. The Examiner seemed to concur with this analysis during the Interview and noted in the Interview Summary that the proposed amendments clarified the claimed invention and appear to overcome the prior art of record, and that upon filing a formal response, further searching and consideration would be given.

Based on at least the foregoing reasons, Applicants respectfully submit that the cited prior art fails to anticipate or make obvious Applicants invention, as claimed for example in independent claims 1, 18, 25, and 29. Applicants note for the record that the remarks above

render the remaining rejections of record for the independent and dependent claims moot, and

thus addressing individual rejections or assertion with respect to the teachings of the cited art is

unnecessary at the present time, but may be undertaken in the future if necessary or desirable,

and Applicants reserve the right to do so.

In the event that the Examiner finds any remaining impediment to a prompt allowance of

this application that may be clarified through a telephone interview, the Examiner is requested to

contact the undersigned attorney.

Dated this 27th day of October, 2004.

Respectfully submitted,

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